

**ADJOURNED CITY COUNCIL MEETING  
CITY OF WATERTOWN  
March 26, 2012  
7:00 P.M.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Council Member Jeffrey M. Smith  
Mayor Graham

**Also Present:** Mary M. Corriveau, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Elliott Nelson, John VanBrocklin

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving the 2012 – 2014 Collective Bargaining Agreement Between the City of Watertown and the Watertown Police Benevolent Association
- Draft Agreement, Watertown Wizards, Inc.
- Parks and Recreation Fees and Contract Documents
- Fees for the City Clerk's Office
- Advantage Watertown, Local Waterfront Revitalization Program and Quality Communities Grant Documents
- Executive Session - To discuss the employment history of particular individuals.

**Complete Reports on file in the office of the City Clerk**

**COMMUNICATIONS**

A letter signed as "Unhappy Parent" was received expressing disappointment that dogs were present at the Irish Festival Parade.

**RESOLUTIONS**

**Resolution No. 1 - Approving the 2012 – 2014 Collective Bargaining Agreement Between the City of Watertown and the Watertown Police Benevolent Association**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the 2009-2012 Employment Contract between the City of Watertown and the Watertown Police Benevolent Association, expires on June 30, 2012, and

WHEREAS negotiations have been concluded on a successor Contract,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Collective Bargaining Agreement between the City of Watertown and the Watertown Police Benevolent Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor, Jeffrey E. Graham, and City Manager Mary M. Corriveau are hereby authorized and directed to execute the Agreement on behalf of the City.  
**Seconded by Council Member Teresa R. Macaluso**

**Rules waived by Motion of Council Member Jeffrey M. Smith, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.**

## **DISCUSSIONS**

### **Fees for the City Clerk's Office**

**Ann Saunders**, City Clerk told Council that the changes that are proposed do not reflect any changes in the fees and is meant to update the Code of the City of Watertown to the fee schedule that existed at the time of her appointment. She explained that the Parks and Recreation fees that are being changed share pages with some of the City Clerk fees and it is more cost effective to make the changes at the same time. She mentioned that the original memo listed the areas that need to be changed and that the memo presented to Council this evening reflects how the changes would appear in the appropriate sections of the Code. She stated that she had outreached to the City Clerk of Oneonta and explained their process for updating their fees by removing the fees from the Code Book and approving the fees by resolution after annual review. She further explained this allows fees to be adjusted as needed annually and the changes do not have to be made by an ordinance which results with additional charges from General Code.

Mayor Graham suggested discussing this idea further with Attorney Slye to determine if it would be applicable to the City of Watertown.

Council Member Butler asked for the cost of the changes to the City Code.

Mrs. Saunders stated that it varies depending on the extent of the changes and the editing that is needed but since she has been in this position, it has ranged from \$600 to \$1,200.

Mrs. Corriveau indicated that those costs were due to significant changes such as the Noise Ordinance and Dog Ordinance.

In response to Council Member Butler's question, Mrs. Saunders confirmed that there is a fee associated with the amount of editing needed, text affected and pages that are involved.

Mrs. Corriveau explained that the fees are not only for the on-line changes but for the printed publications needed for Code Books in the different departments within the City.

Council Member Butler inquired about the fee for maintaining the on-line version of the Code.

Mrs. Saunders stated that she could not remember the exact cost for that service but will investigate and inform Council. She agreed with Mrs. Corriveau that the on-line version is very beneficial to the City and offered examples of its uses.

Council Member Macaluso asked if the changes could be made right on-line.

Mrs. Saunders explained that all the changes have to go through General Code and then they update the on-line version.

Mayor Graham asked if the City could maintain the Code in an editable way so that the City does not have to use a company such as General Code.

Mrs. Saunders replied that it would be a huge undertaking for someone to maintain it.

Mrs. Corriveau added that many municipalities across the state use General Code.

Mayor Graham questioned the items that have no fees attached but are still listed in Chapter 112 even though they were abolished years ago.

Mrs. Saunders responded that there are other areas in the Code that need updating and a project for her office is to revise the Code to the current procedures that are performed in the Clerk's Office. She stressed that this would be a slow process done over time due to the busy day-to-day functions of the office.

### **Saturday Farmers' Market**

Mayor Graham mentioned that the Saturday Farmers' Market Association has expressed interest in moving to the J.B. Wise parking lot. He stated it would be a nice use of the new facility there and stated that if there is a fee that it should be small.

Mrs. Corriveau told Council that currently the Farmers' Market is leasing space at the Fairgrounds for \$50 per day on Saturdays. She indicated that it would be good to keep the fee at a nominal amount in order to motivate use of that space. She added that there are some restrictions in what the Council can charge and said that the fees for Non-City Residents cannot be more than twice the amount charged to City Residents.

Representatives from the Saturday Farmers' Market Association were present and Mayor Graham asked if the current fee is appropriate.

**Gail Millard**, Saturday Farmers' Market Association responded that they are comfortable with the fee and it would be difficult if it was increased.

Council concurred that the Saturday Farmers' Market Association could use the covered walkway in J.B. Wise Parking Lot at a fee of \$50 and agreed that this should be the fee for anyone wanting to use this space.

**Draft Agreement, Watertown Wizards, Inc.**

Mrs. Corriveau presented Council with the draft agreement with the Watertown Wizards which includes the lease of the premises for the upcoming season. She indicated that she met with Mr. VanBrocklin, Mr. Slye and representatives from the Watertown Wizards to develop the terms of the contract and mentioned that the Watertown Wizards are anxious to have a contract in place.

Mayor Graham reminded Council that the City and he received a Notice of Claim on September 14, 2011 from the owners of the baseball team and read the items listed in the nature of the claim. He stated that this is an abuse of the legal system and suggested that if these individuals want to do business with the City then their attorney should recant this claim and apologize for the allegations listed which have never been proven. He added that this does not prevent the Council from approving this contract but pointed out that it prevents him from supporting this agreement until this matter is resolved.

Mrs. Corriveau stated that the baseball team is under the new ownership of General Manager Todd Kirkey, Christine Czajkowski and Joe Vaddi and this ownership group is called the Watertown Wizards. She indicated that the former agreement was with the Watertown Sports Venture, Inc.

Mayor Graham commented that all the same people are involved.

Council Member Burns supported Mayor Graham's statement and said that she is not sure that the City should enter into an agreement with these people when serious allegations are still pending. She expressed that the allegations are unfounded.

**Robert Slye**, City Attorney stated that he never treated the notice of claim as being worth the paper it is written on and is not concerned about it. He stated that he was assured by Peter Walton, attorney for the Watertown Wizards that this was an asset sale and the principle of the previous baseball entity is no longer involved. He reassured Council that there is nothing to worry about.

Council Member Burns remarked she respects Mr. Walton and believes that he is telling Mr. Slye the truth but she saw Mr. Simmons on Channel 7 last week speaking on behalf of the baseball team.

Mr. Slye said that he is not familiar with this interview and only knows what was told to him by Mr. Kirkey and Mr. Walton.

Council Member Burns stated that seeing Mr. Simmons on Channel 7 representing the Wizards makes her wonder if he is still involved. She stated that she does not like an organization that has had a long standing relationship with the City bringing a frivolous lawsuit against it. She stated the City has always been fair and generous and the DPW department has always been respectful to the Wizards' needs. She added that this lawsuit is a slap in the face to Mr. VanBrocklin and his staff as well as Council and Mrs. Corriveau.

Council Member Butler asked for the location in the contract of the requirement that the baseball team is required to hold the license for alcohol.

Mrs. Corriveau replied that it is listed on page 4 of the contract under Section 6.

Mr. Slye clarified that they can only have a license if they hold a valid lease for the property and that the license will not be in effect past August 15<sup>th</sup>.

Mrs. Corriveau reviewed the contract's limitations on when alcohol can be sold.

In regards to the alcohol sales, Council Member Butler stated that the City should receive some compensation in the form of an upfront flat fee because the team is going to make money from the sale of alcohol. He added that this fee could be renegotiated each year.

Mrs. Corriveau reminded Council of her memo dated December 9<sup>th</sup> regarding Mr. Casale's recommendation that the City should not receive a percentage of profits because then the City must be listed on the license and assumes some of the liability. She indicated that the City could receive a percentage of the gate fee. She confirmed for Council Member Butler that the City receives fees for the field usage, office rent, signage and 10% of the nonalcoholic concession sales.

In response to Mayor Graham's inquiry, Mrs. Corriveau stated that the concession stand is part of the leased premises and they have the right to the concession.

**John VanBrocklin**, Parks and Recreation Superintendent indicated that the City has no beer dispensing equipment in the concession stand. He stated that alcohol is dispensed in a smaller separate room down the hallway and food is sold at the larger concession stand.

Council Member Butler asked how the City verifies the receipt of 10% of the concession sales.

Mrs. Corriveau replied that it is based on the honor system.

Mr. Slye pointed out that the City has the right to audit as listed on page 3 of the contract.

Mayor Graham questioned whether it is better to have a flat fee for use of the concession stands in place of trying to collect 10% of the concession sales.

In determining the amount for the flat fee, Council Member Butler suggested the City talk to Mr. Kirkey to obtain an estimate of the concession revenue.

Mrs. Corriveau advised that going into the season, the City and Mr. Kirkey have no idea what may or may not happen on the field during the term of the contract. She stated that it might be easier if they were only talking about baseball but if a concert is held on the field then it becomes more complicated.

Council Member Smith stated that there is a provision in the contract that the license holder will donate 50% of the profit to the not-for-profit.

Mr. Slye stated that the City wanted to increase the fee for the use of the field because it was so low. He noted that Council can build into the contract an additional usage fee when alcohol is served but the fee cannot be tied to alcohol. He reminded Council that the City wanted to be out of the alcohol business.

Mayor Graham suggested charging a rental fee for the concession space for a 2 ½ month period because they have exclusive use. He mentioned that he is not interested in getting a piece of the alcohol sales. He also pointed out that the dispensing points of alcohol must be indicated on the application for the license and that beer trailers cannot be trucked in for big events.

Mr. Slye stated that the licensee can list on the application that in the event of a large occasion dispensing will be done at additional locations and state those locations.

Mrs. Corriveau remarked that the fee for use of the field for large events is currently \$500 for the day of the event and \$250 for both the setup day and tear down day. She is proposing that this fee be increased to \$1000 and \$500 respectively.

Council Member Smith suggested increasing the fee of \$100/day due to the increased costs associated with field maintenance.

Mayor Graham stated that with large events there are more ancillary costs such as cleaning up the field that play a factor. He added that many of the fees are low and it does not cover the true cost of maintaining the fields especially with the commercial events.

Council Member Butler said that the team must have a budget in mind for the season and there needs to be more discussion with them to arrive at a number. He commented that baseball is important for Watertown and this year will have to be a trial period.

Council Member Macaluso mentioned that she does not have an issue with the baseball games but has issues with the concerts and feels the City loses a lot of money. She stated that the fees do not cover the costs incurred with the bigger events.

Mayor Graham reiterated that the concession stand should be part of the space that is leased in place of charging 10 % of the food. He hoped that something could be worked out for this year

because it is late in the season. He agreed with Council Member Macaluso and stated there is only so much subsidizing that the City can do for the public on the larger events.

Mr. VanBrocklin commented that the tentative dates for the Disabled Persons Organization are scheduled for another field or the arena and not the baseball field.

Council Member Butler agreed with Mayor Graham that the 10% of the concession stand sales could be deleted and the City could charge a rental fee for the space.

Council concurred with Mayor Graham's suggestion.

### **Parks and Recreation Fees and Contract Documents**

Mayor Graham commented that he was impressed with the new forms that were developed and stated that they represented the desires and concerns of Council.

Council Member Smith referenced the contract and wondered if a small group is required to hold a certificate of insurance as outlined in item number three. He pointed out that it would be difficult for a small group such as the Fort Drum Rugby to obtain an insurance policy for \$500,000 per individual/\$1,000,000 combined single event in order to rent the field.

Mrs. Corriveau stated that this requirement has been in the contract for years.

Mr. VanBrocklin indicated that most groups are members of an affiliation that has national coverage but the individual one-time users may not.

Council Member Macaluso suggested that these small groups sign a waiver releasing the City from liability.

Council Member Smith asked if the potential liability is different from someone renting a field verses someone using an area at Thompson Park.

Mr. Slye stated that the City does the best it can at the Park but noted that insurance is obtained from the Boy Scouts for their Kite Day. He said the City needs to decide whether it is going to govern to the exception or govern to the rule.

Council Member Butler asked how to address this concern.

Mr. Slye stated that there cannot be a release of liability in advance of the event unless each and every potential way of injury is identified.

Council Member Butler advised that the City enforce this when they can.

Mr. Slye reiterated that there needs to be a rule and usually it is the sponsor that gets the insurance.

Mr. VanBrocklin commented that he does not think there was a group that rented the field last year that did not have insurance.

Mr. Slye indicated that liability arises from a defect in the premise and there is not going to be many defects in the premise because the City maintains really nice fields.

In regards to Mayor Graham's inquiry, Mrs. Corriveau stated that she has discussed the fees with Mr. Rich from DPAO and he is aware of the increases. She added that she has also discussed this with Mr. Simpson who is representing the Fair and he is present tonight.

**Robert Simpson**, Jefferson County Agricultural Society stated that he does not have a problem with the RV pricing but it will be an extreme hardship on the Fair to have the fee doubled from \$2,000 to \$4,000. He added that his organization is the only user of the facility that has put money into upgrading the facility. He stated that any consideration from Council on not raising their fee would be appreciated.

Mayor Graham asked if they make a good profit from the concert events held in their building.

Mr. Simpson replied that after all the bills were paid last year, his organization ended up with \$2,000 more than when they started the year. He stated that during the North Country Idol, they rent the facility and receive the revenue from the concession.

Council Member Burns inquired as to the last time there was an increase to the Agricultural Society.

Mrs. Corriveau did not recall there being an increase in a long time.

Mr. Simpson stated that he understands that costs are increasing but does not want a 100% increase in the fee.

Mrs. Corriveau told Council that the Agricultural Society pays for electric.

Mr. Simpson added that they pay for the time and materials for anything that the City Electric Department does during the time of the fair. He noted that the rides are self sufficient and run on generator.

Mrs. Corriveau clarified that the City charges for any electrical hookup services and bills the fair once per year for its electric use.

Council Member Butler stated that there has been a longstanding partnership with the City and he feels that if the fee is changed then it should be a modest increase. He suggested increasing it 10% each year.

Mayor Graham suggested compromising and making the fee \$3,000.

Council Member Butler stated he preferred \$2,500.



Council concurred that the fee be increased to \$2,500 this year and \$3,000 the following year.

Mrs. Corriveau stated that she is still looking at the golf program. She mentioned that the associated expenses for the golf program are considerably more than the tennis program. She hopes to have the number of people involved in this program shortly in order to finalize this.

Council Member Macaluso indicated that the fee of \$5 is very cheap.

Mrs. Corriveau reviewed the proposed fees highlighting the baseball leagues, ice skate sharpening and RV site users.

Council Member Smith mentioned that the rate for RV seemed low.

Mrs. Corriveau explained the fees for use of the various fields and defined the differences in the fields.

Mr. VanBrocklin informed Council that the \$30 per hour rate was added because some games are only an hour while other games last over two hours.

Mrs. Corriveau explained that the fee for performances is listed under the Other Athletic Fields category as well because one of those fields is being proposed for use by DPAO. She stated that the Saturday Farmers' Market was added because there was not a set fee defined in the code but mentioned that they may use the covered walkway in the J.B. Wise. She recommended that a fee for the covered walkway be added into the Recreation Fees.

Mayor Graham asked if the athletic agreements will be on-line for completion.

Mr. VanBrocklin said that they are currently mailed out to the user in order to prevent conflicts in scheduling.

Mayor Graham mentioned that the form could be submitted on line and then approved later. He stated that this could be a project for the new Parks and Recreation Superintendent.

Mrs. Corriveau said that they need to be put into a fillable format in order to put on-line and she will have staff work on this.

Mr. VanBrocklin mentioned that local high schools use the grounds for practice and something needs to be in the Code to address this.

Council concurred that the schools fall under the same tax base so there should be no charge for their practice time as long as the fields are not needed by a paying customer.

Mr. VanBrocklin pointed out that the schools do not use the premier fields.

In regards to the Bulls North Lacrosse League, Sunday Softball League and Sunday Touch Football League, Mr. VanBrocklin indicated that roster fees have been used in prior years and the City should steer away from this process. He suggested the City enter into an agreement with each group and calculate a flat fee based on the prior years' roster fee.

Mrs. Corriveau wanted Council to be aware that these three unique situations exist and they can discuss it further.

#### **Privateers Hockey Team**

Mayor Graham asked for an update in regards to the negotiations with the Privateers Hockey Team.

Mr. VanBrocklin stated that it is still in process.

#### **Lighting of the City Clock Tower**

**Reverend Jeffery Smith**, First Baptist Church addressed Council regarding his concerns with lighting the Clock Tower green for the Irish Festival. He stated that he is not anti-Irish and he has several Irish families in his congregation. He stressed that the First Baptist Church is a house of worship and opens its doors to the community. He said that the promotions that the City wants to do are an ill reverence to the house of worship and a slap in the face to his parishioners. He stated that he does not feel that this would have happened at First Presbyterian or Holy Family. He noted that the church has had a great relationship with the City for years. He pointed out that the church is not a billboard to promote these causes and the lights of the clock should remain white. He asked Council to reconsider putting colored lights in the tower.

#### **Advantage Watertown, Local Waterfront Revitalization Program and Quality Communities Grant Documents**

The cover reports, resolutions and grant documents approved by the City Council in 2003 related to the City's acceptance of grant funds under the Local Waterfront Revitalization Program and the New York State Department of State Quality Communities Demonstration project were available for Council to review.

#### **Letter from Disabled Persons Action Organization**

A letter received from the Disabled Persons Action Organization regarding Zip Code Information Count for attendees at DPAO's 2011 Concert season was presented to Council.

#### **Motion was made by Council Member Joseph M. Butler, Jr. to move into Executive Session to discuss to discuss the employment history of particular individuals.**

#### **Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.**

Council moved into Executive Session at 8:38 P.M.

Council reconvened at 9:30 P.M.

## **A D J O U R N M E N T**

**At the call of the chair, meeting was duly adjourned at 9:30 P.M. by motion of Council Member Butler, seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.**

**Ann M. Saunders**

City Clerk